REMARKS

Claim 1 (amended to improve form) recites a system for monitoring the operation of computer programs which includes a plurality of event collection cards. The cited references fail to teach or suggest such a system.

In the action, claim 1 is rejected under 35 USC 103(a) over Rees (U.S. Patent No. 5,748,878) in view of Forman (U.S. Patent No. 6,519,638). In the action, the Examiner concedes that Rees fails to explicitly teach or suggest the use of multiple event collection cards. Page 3. The action asserts, however, that Forman's description of a plurality of collector probes bridges the gap. Applicants disagree.

Rees relates, in general, to a system for analyzing software executing on an embedded system. The Rees system includes a single probe tip connected to a single probe chassis. Both the probe tip and the probe chassis are pieces of hardware. The probe tip is further connected to a computer for analyzing data received from the probe. The probe tip attaches to a target bus to detect events.

Forman relates to an object-oriented software framework for monitoring the operation of software programs. Forman describes a plurality of "collector probe objects" used to collect system data. The probes are described as "instantiations from a defined probe class." See column 6, lines 51–59. Instantiations of a defined class in an object-oriented framework are software objects, not event collection cards. One skilled in the art would recognize that the two are not interchangeable. Thus Forman fails to cure the deficiencies of Rees.

For similar reasons, Rees and Forman cannot be combined to form a prima facie case of obviousness. Forman cannot be combined with Rees without rendering Rees unsatisfactory for its intended purpose. See MPEP 2143.01. Rees is intended to monitor software operating on embedded devices (see Title and column 3, lines 15-17). Rees utilizes a hardware event probe tip, in part because monitoring embedded systems using software, such as described by Forman, "consumes system memory resources, thus preventing the target from executing the software in a normal manner." Column 2, lines 10–12. Rees further indicates:

> It is generally desirable to test the performance of software in an embedded system under the same conditions that the software will normally run. Thus, an ideal software analysis technique would be "transparent" to the target system and thus have no effect on the manner in which the target system executes software.

The creation and operation of Forman's collector probe objects on a Rees embedded system would consume system memory resources and utilize processing capabilities normally used for operating the system being monitored. Thus, Forman prevents a target program from operating in a normal manner, thereby yielding unsatisfactory results.

At least for the above reasons, Applicants request the Examiner reconsider and withdraw the §103 rejection of claim 1. Claim 28 includes similar subject matter to claim 1. Therefore Applicants request the Examiner reconsider and withdraw the §103 rejection of claim 28. Claims 2–15 and 29–43 depend, directly or indirectly, from either claim 1 or claim 28, and add further limitations thereon. Applicants therefore request claims 2–15 and 29–43 be passed on to allowance, as well.

Applicant believes no fee is due with this response other than as reflected on the enclosed Amendment Transmittal. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. BBNT-P01-001 from which the undersigned is authorized to draw.

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Respectfully submitted,

By _____

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